

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.3797 of 2017

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 07.07.2017 passed in I.A.No.384 of 2017 in O.S.No.1084 of 2012 on the file of the Special Sessions Judge for trial of SC and ST (POA) Act-cum-VII Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar.

2. Heard the learned counsel for the petitioner.

3. A perusal of the record reveals that the first respondent filed O.S.No.1084 of 2012 against the petitioner and second respondent for declaration and recovery of possession of the suit schedule property. During pendency of the suit, the son of the first respondent filed I.A.No.384 of 2017, under Rule 32 of Civil Rules of Practice, to permit him to defend the case on behalf of his mother. The trial Court, after affording a reasonable opportunity to both parties, allowed the petition. Hence, the revision.

4. The point that arises for consideration is:

"Whether there is any illegality, irregularity or impropriety in the order of the trial Court?"

5. The first respondent filed O.S.No.1084 of 2012 on the file Special Sessions Judge for trial of SC and ST (POA) Act-cum-VII Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar, for declaration and recovery of possession of the suit schedule property. During pendency of the suit, the son of the first respondent filed I.A.No.384 of 2017, under Rule 32 of the Civil Rules of Practice, to permit him to defend the case on behalf of his mother. Along with the petition, the son of the first respondent

filed the General Power of Attorney (G.P.A.). A perusal of the record reveals that during pendency of the suit, the first respondent executed a General Power of Attorney in favour of her son to defend the case on her behalf. The first respondent is a lady. It is needless to say that a party to the proceedings can execute a G.P.A. to defend his/her case for obvious reasons. In the instant case, the G.P.A. holder is none other than the son of the first respondent. The trial Court, while taking into consideration the *inter se* relationship between the parties, allowed the petition. Rule 32 of Civil Rules of Practice enables the parties to the proceedings to file an application to defend the case on his/her behalf. Even if the petition is allowed, the same may not cause any prejudice to the petitioner. The Court has the discretionary power to allow the applications filed under Rule 32 of Civil Rules of Practice. This Court shall not lightly interfere with the discretionary orders passed by the trial Court. In the instant case, the trial Court passed the order basing on the sound principles of law. Viewed from any angle, there is no illegality, irregularity or impropriety in the order of the trial Court warranting interference of this Court while exercising the jurisdiction under Article 227 of the Constitution of India. Hence, the revision lacks merits and *bona fides*.

6. In the result, the Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 10.09.2018

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